

Affidavit

RECEIVED

I RODERICK LAMAR MOORE A/S #146853 BEING  
FIRST DUTY SWORN IN THE PRESENT OF A NOTARY PUBLIC DISPOSE  
AND SAY!

That I'm over the age of twenty one (21) yrs of age,  
that I'm presently incarcerated at Bibb County Correctional  
Facility 565 Bishop Lane, Brent ALA. 35034.

THAT ON OR ABOUT OR ABOUT 3-9-95 I WAS SENTENCED ON ESCAPE II AND RECEIVED A 15 YR SPLIT 2 YRS, PRIOR TO RECEIVING THE NEW SENTENCE I WAS ALREADY SERVING A 20 YR SENTENCE FROM JEFFERSON CO. WITH A PAROLE DATE JAN 1-96.

that upon being interviewed for Parole at Donaldson CORR FAC in Oct. 95 by the Prisonal Coordinator for that region Mr. LA VERT informed me that the Bored would not consider release until the full term of the split was honored.

A NEW HEARING DATE WAS THEN RESET FROM THE ORIGINAL HEARING DATE OF 1-96 TO 1-97 BUT WAS AGAIN RESET FOR 12-97 AND PAROLE WAS GRANTED THEREBY FOLLOWING RELEASE 1-98.

That on or about 1-26-98 I was paroled and released after serving the full term of the split as ordered by Judge Eugene A. Reese of the Monty. Co. Circuit Court & begin on 3/9/95

That on or about 5/10/98 the Plaintiff was REARRESTED on a new charge of RECEIVING STOLEN PROPERTY I AND declared delinquent.

That on or about 6-05-98 I WAS SENTENCED TO 15 YRS TO RUN CONCURRENT WITH THE ESCAPE TIME AND THE 4 OF PROPERTY TIME TWENTY YEARS AND ALL OTHER CASES.

That on or about 6-98 I WAS RETURNED BACK TO THE A.D. C.C. Kilby CORR FAC. AND THEREAFTER TO FOUNTAIN CO. FAC. ON OR ABOUT 1-99 I WAS TRANSFERRED TO Butte CO. CORR FAC.

That on or about 7-7-03 I WAS GRANTED PAROLE AND ORDERED RELEASED.

That after dressing out and seeing Warden Price for release I WAS STOP AND TOLD BY WARDEN PRICE THAT SHE HAD RECEIVED AN ORDER FROM A.D.C. Legal Division of Central Record PER KATHY BOLT WHO IS IN HER OFFICIAL CAPACITY, ASST. DIRECTOR IN THE LEGAL DIVISION AS CORRECTIONS RECORDS DIRECTOR, TO CANCEL MY RELEASE PENDING ADDITIONAL TIME TO BE SERVED ON Split.

That after contacting Mrs Howard my classification supervisor I WAS TOLD THAT A NEW POLICY HAD BEEN IMPLEMENTED CONCERNING SPLIT SENTENCES WHICH STATES "THAT IF YOU GOT A CONSECUTIVE SPLIT SENTENCE YOU MUST REMAIN UNTILL COMPLETION OF THE SPLIT SENTENCE."

I VEHEMENTLY TRIED TO EXPLAIN TO MRS HOWARD THAT I HAD ALREADY COMPLETED THE 2 YR PORTION OF MY SPLIT IN JANUARY OF 1998, SHE DID NOTHING TO AID OR ASSIST IN TRYING TO CONTACT THE PROPER AUTHORITY TO RECTIFY THE PROBLEM AT HAND BEFORE HER.

That WARDEN PRICE who in her official capacity AS

AS STEWARD AND LEGAL GUARDIAN OVER EVERY INMATE AT BIBB CO. CORA FAC. DOES HAVE THE AUTHORITY AND POWER TO CONSULT, CONTACT AND APPEAL TO THE COMMISSIONER who is the head man in charge over every PRISON housing inmates in the state of Alabama AND GOVERNOR IT WARRANTS A NEED TO RECTIFY AN INMATE SERVING TIME BEYOND THE DATE UPON WHICH HE OR SHE HAS BEEN SENTENCED.

SHE JUST SIMPLY DID NOTHING BUT AID AND ABETT WITH KATHY TO DENY ME MY FREEDOM IN VIOLATION OF THE 14<sup>TH</sup> & 8<sup>TH</sup> AMENDMENT TO THE CONSTITUTION OF THESE UNITED STATES.

MRS HOWARD PRIMARY FUNCTION IS TO ASSIST AND AID EVERY INMATE ON HER CASE LOAD who could have in her official capacity AS A CLASSIFICATION STEWARD sought help to RECTIFY ME HAVING TO DO ADDITIONAL TIME TWICE ON THE SAME SENTENCE BUT INSTEAD CHOSE TO BE COMPLICIT WITH WARDEN PRICE, DIRECTOR KATHY HOLT AND COMMISSIONER CAMBELL AND RESIDING RICHARD ALLEN IN VIOLATION OF MY CONSTITUTIONAL RIGHT UNDER THE 14<sup>TH</sup> & 8<sup>TH</sup> AMENDMENT TO DENY ME MY RELEASE.

WARDEN PRICE DIRECTOR KATHY HOLT AND COMMISSIONER CAMBELL, NOW RESIDING RICHARD ALLEN AND MRS HOWARD ARE ALL COLLECTIVELY THE EMBODIMENT OF A.D.C. ADMINISTRATIVE PRISON SYSTEM OF MANAGEMENT AND ALL SHARE IN THE RESPONSIBILITY OF ENSURING THAT NO ONE IS DETAINED AFTER SERVING HIS OR HER SENTENCE.

IN THE CENTRAL OFFICE OF CENTRAL RECORDS  
 LEGAL DIVISION it is the duty and function of  
 THE DIRECTOR AND OR ASSISTANT DIRECTOR to keep  
 RECORD AND monitor the time served and to be  
 served of each inmate in the Alabama penal  
 system. Such function is of Mrs Kathy Holt  
 who is in official capacity Correctional Records Director.  
 She knew according to her records that I had  
 completed the split portion of my 3-9-95  
 15 split yrs sentence after being paroled and  
 released in January of 1998 because it was  
common practice by her own admission that  
 this was the way the A.D.O.C honored split  
 sentence consistency with the policy of the  
 Parole Board prior to 7-2-2003.

I swear beyond penalty of perjury that  
 everything stated in this affidavit is true to the  
 best of my knowledge.

Done this 23rd day of May 2006

Respectfully Submitted  
 Rodney Moore

Supervised/Submitted before me  
 Alphonse A. Toney  
 5/17/2010

## Supporting Claim and Brief

Kathy Holt, Cheryl Price, Donald Campbell now (Richard Allen) and Mr. Howard is being sued in violation of Plaintiff Constitutional Rights of the 14<sup>th</sup> 8<sup>th</sup> Amend. of these United States in their individual capacity.

They ARE OR WERE ALL AWARE OF THE FACT THAT AN OBVIOUS ERRONEOUS MISTAKE WERE BEING MADE BUT CHOOSE TO BE DELIBERATE INDIFFERENT BY DOING NOTHING TO HELP CURE THE DEFECT IN VIOLATION OF THE 14<sup>th</sup> 8<sup>th</sup> AMEND. SEE ALEXANDER V. PERRELL 916 F.2d 1392 (9<sup>th</sup> Cir 1990) Prison officials who ARE under duty to investigate claims of computational errors in calculation of prison sentences may be liable for failure to do so when reasonable request is made.

THEY ARE OR WERE ALL AWARE OF THE FACT THAT THE PLAINTIFF HAD SERVED HIS SPLIT PORTION BY RELEASE IN JANUARY OF 1998 BUT ALL CONSPIRED TO KEEP THE PLAINTIFF INCARCERATED AN ADDITIONAL 2 yrs BASED ON A NEW POLICY FROM THE PAROLE BOARD THAT SHOULD NOT HAVE EFFECTED THE PLAINTIFF'S RELEASE ON THE 7-7-03.

THE PLAINTIFF CONTENDS THAT THE LETTER FROM BILL SEGREST EXECUTIVE DIRECTOR OF THE PAROLE BOARD SENT TO BETTY LANGRISH



is unauthentic in sufficient to establish that Mr. Segeest posted such a draft.

The Plaintiff contends that what is authentic is the memorandum sent to Bibb County Correctional Facility by Kathy Holt Assistant Director of Central Office ordering a stop to the Plaintiff's release on 7-2-03 which is in violation of the 14<sup>th</sup> & 8<sup>th</sup> Amendments of cruel and unusual punishment for his sentence to be served twice per training & the split portion of his March 9, 1995 15 yr. 2 yr split that she knew had been received and served from 3-9-95 until January 1998 per practice of the A.D.C. and Alabama Parole Board prior to 7-2-2003. Calhoun v. New York State  
D.V. of Parole Officers 999 Fed 847 (2nd 1993)

Under both due process clause and state law, inmate has liberty interest in being released upon expiration of his other maximum term of imprisonment since inmate parole grantee has "liberty interest" in being released from prison as soon as possible. It surely follows that he also has liberty interest in being set free at end of his term.

The Plaintiff contends that because he was forced to serve his split portion twice that he was

subjected to cruel and unusual punishment by all the  
DEFENDANTS in their individual capacity and official capacity  
violation of the 8<sup>th</sup> Amend to the Cons. of the U.S.  
588 Sample v. Dicks 885 92d 1099 (3<sup>rd</sup> Cir. 1989)  
Imprisonment beyond ones term constitutes  
cruel and unusual punishment.

The Plaintiff contends that the memorandum sent  
to the Bibb Correctional Inst to stay the release of the Plaintiff  
was intentional and without the consent of the Plaintiff  
& honor which subjected the plaintiff to ~~the~~ im-  
prisonment. In violation of his 14<sup>th</sup> Amend.

The Plaintiff is suing McKeith Holt in her individual  
capacity and all the other defendants who were complicit  
with her to stay the plaintiff's release of 7-7-03.

WAUGH V. PEARCE 954 72d 1470 (9<sup>th</sup> Cir 1992)

To impose liability on local governmental entity  
for failing to act to preserve constitutional rights  
1983 plaintiff must establish: that he possessed  
constitutional right of which he was deprived; that  
municipal had a policy; that this policy amounted to  
deliberate indifference to plaintiff constitutional right;  
and that policy was moving force behind constitutional  
violation.

Conclusion

THE PLAINTIFF AVERS THAT PARDON AND PAROLE BOARD IS A SEPERATED STATE GOVERNMENT AND FUNCTION FROM THAT OF THE A. D. C.

THE PLAINTIFF contends that because of the practice of PARDON & PAROLE BOARD AND THE A. D. C. in consistence with the split terms weather consecutive or concurrent it was just the way business was ~~done~~.

THE ONE PERSON THAT KNEW THIS MORE THAN ANYONE WAS MRS KATHY HOLT AND SHE IS LIABLE FOR FAILING TO RELEASE THE PLAINTIFF IN JULY OF 2003.

PLAINTIFF THAT ALL THE OTHER DEFENDANTS ARE LIABLE UNDER COLOR OF ~~STATE~~ LAW IN THEIR INDIVIDUAL CAPACITY FOR ALL INJURY SUFFERED.

THE PLAINTIFF HAS SUFFERED A DEPRIVATION OF HIS LIBERTY FOR 24 MONTH AND MENTAL AND EMOTIONAL ANGUISH IN VIOLATION OF THE 8<sup>TH</sup> & 14<sup>TH</sup> AMENDMENTS CONST. OF THE U.S.

WHEREBY THE PLAINTIFF IS ASKING FOR 150,000 FROM EACH DEFENDANT IN HIS & HER INDIVIDUAL CAPACITY FOR COMPENSATORY & PUNITIVE DAMAGES.



## Certificate of Service

I certify that I have sent a copy of the foregoing to the following by way of first class postage to:  
DONE THIS 3<sup>rd</sup> of JUNE 2006

GENERAL COUNSEL / Deputy Atty Gen  
Kim G Thomas

Assistant Atty Gen.

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Respectfully Submitted  
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Roderick Moore